

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SILICONIX INCORPORATED, a Delaware
corporation

Plaintiff,

v.

DENSO CORPORATION, a Japanese
corporation, and TD SCAN (U.S.A.), INC., a
Michigan corporation

Defendants.

No. C 05-01507 WHA

**ORDER DENYING
MOTION FOR STAY AND
VACATING HEARING**

In this patent case, defendants now move for an order staying all proceedings pending reexamination of United States Patent Nos. 4,767,722 and 4,967,245. Because infringement of those two patents is not alleged in this action, defendants' motion is **DENIED**.

In *Siliconix Inc. v. Advanced Analogic Techs., Inc.*, Civil Action No. C 04-00344, the defendant filed requests for reexamination of the three patents-in-suit. The United States Patent and Trademark Office granted reexamination of the '722 patent and the '245 patent, but denied the request with respect to United States Patent No. 5,034,785. Judge Susan Illston granted a stay on November 4, 2004. Defendants argue that if a stay is not granted, it would defeat the purpose of finding Civil Action Nos. C 04-00344, C 05-01507 and C 05-03617 related.


The Court has broad discretion in deciding whether to grant or deny a motion to stay proceedings pending reexamination. *ASCII Corp. v. STD Entm't USA, Inc.*, 844 F. Supp. 1378, 1380 (N.D. Cal. 1994). Plaintiff in *this* action only alleges infringement of the '785 patent, for

1 which there is no reexamination pending. While it is true that both the '722 patent and the '785
2 patent concern planar vertical channel DMOS structures, the risk that reexamination of the
3 *method* claims of the former will have a substantial impact on the *apparatus* claims of the latter
4 appears to be slight. As such, no stay will be entered, at least not yet. If circumstances change,
5 the Court may reconsider whether a stay is warranted. The Court may also consider deferring
6 any claim construction rulings until after the reexamination proceedings are completed, if
7 supplemental briefing seems necessary.

8 Finally, defendants should rest assured that the related *Siliconix* actions will not proceed
9 on three separate tracks. Pretrial proceedings will be coordinated at least in C 05-01507 and
10 C 05-03617, if not in all three actions. Any further concerns in this regard should be raised at
11 the case management conference on **DECEMBER 15, 2005 AT 11:00 A.M.** The hearing on this
12 motion, currently scheduled for **DECEMBER 15, 2005 AT 8:00 A.M.**, is **VACATED**.

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14 **IT IS SO ORDERED.**

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16 Dated: November 15, 2005



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE